

DEC 19 2006

REMARKS

Claims 1-6, 9-17, 24-29, 34-60, 62-67 and 70-76 are now pending. Claims 1-6, 14-17, 24, 28, 29 and 38-42 have been rejected. Claims 25-27, 43-56, 57-60, 62-67 and 70-76 have been allowed. Applicants appreciate this indication of allowability.

No claims are amended by this response.

Claims 1-6, 14-17, 24, 28, 29 and 38-42 have been rejected based on nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8, 10-17, 26-30 of a copending later-filed Application No 11/586394.

One of the Applicants' undersigned representatives discussed the outstanding rejection with the Examiner Lan Vinh in two telephonic interviews. The Applicants appreciate the courtesy of the interviews extended by the Examiner. In these interviews, the Applicants pointed to section 804.I.1 of MPEP that indicates that a provisional double patenting rejection in this case may not be properly made. In a telephonic interview of December 19, 2006, an agreement was reached, that the rejection was mistakenly applied to claims 1-6, 14-17, 24, 28, 29 and 38-42. The Examiner agreed to withdraw the provisional double patenting rejection.

Conclusion

In view of foregoing, Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP



Anna L. Gavrilova  
Reg. No. 58,181



Jeffrey K. Weaver  
Reg. No. 31,314

(510) 663-1100  
P.O. Box 70250  
Oakland, CA 94612-0250